

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KIM E HUNT,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-11-261
	§	
BAC HOME LOANS SERVICING, LP, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

SUPPLEMENTAL ORDER ON MOTIONS TO DISMISS

On January 24, 2012, this Court entered its “Order on Motions to Dismiss” (D.E. 23), disposing of some of the issues presented by the Defendants’ Motions to Dismiss (D.E. 13, 15). At that time, the Court took under advisement the disposition of Plaintiff’s claims for wrongful foreclosure, fraud, and breach of contract, pending Plaintiff’s filing of an amended complaint. On February 3, 2012, Plaintiff timely filed her Third Amended Original [sic] Complaint (D.E. 25). Having reviewed the amended pleading, the Court GRANTS IN PART and DENIES IN PART the remaining issues in the Motions to Dismiss as set out below.

With respect to her wrongful foreclosure cause of action, Plaintiff has alleged with sufficient specificity her claim regarding the “grossly inadequate sales price” obtained in the foreclosure sale. Thus, Defendants’ motions to dismiss with respect to this cause of action are DENIED.

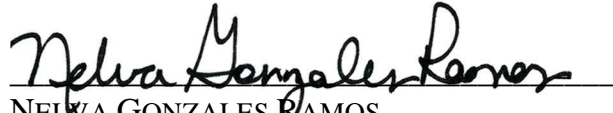
With respect to the fraud cause of action, the Plaintiff has added specificity and appears to have included factual allegations at the level that can be expected to describe

the transactions at issue. The allegations are sufficient to put Defendants on notice of the complaints against which they must defend. Thus, Defendants' motions to dismiss with respect to this cause of action are DENIED.

With respect to breach of contract, Plaintiff's additional allegations, taken as true, describe negotiations and work toward a modification of the loan agreement, but do not reflect the arrival at an enforceable contract between the parties. Thus, Defendants' motions to dismiss with respect to this cause of action are GRANTED.

For the reasons stated above, the Court GRANTS IN PART and DENIES IN PART all of the issues presented by the Motions to Dismiss (D.E. 13, 15) that were previously taken under advisement.

ORDERED this 6th day of February, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE